



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
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San Francisco, CA 94105

SEP 25 2013

Scott Smith  
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California Department of Transportation, Central Region  
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Fresno, CA 93721-2716

Subject: Draft Environmental Impact Statement for Ferguson Slide Permanent Restoration  
Project, Mariposa County, California (CEQ # 20130224)

Dear Mr. Smith:

The U.S. Environmental Protection Agency (EPA) has reviewed the document referenced above. As described in the Draft Environmental Impact Statement (DEIS), this project proposes to restore full highway access along State Route 140 in Mariposa County at the section damaged by the Ferguson rockslide. Our comments are provided pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508) and our NEPA review authority under Section 309 of the Clean Air Act.

EPA rates the proposed project as Lack of Objections (LO) (see enclosed *Summary of EPA Rating Definitions*). The DEIS concludes that implementation of the alternatives, combined with proper mitigation, should result in minimal environmental impact. We are particularly encouraged to see that none of the build alternatives will place piers within the active bankfull channel of the Merced River. Based upon the technical analysis presented in the DEIS, these alternatives are likely to best meet the project purpose & need, while also avoiding impacts to waters of the U.S. and uniquely addressing many of the concerns that were raised during the agency and public outreach effort. In addition, while the document identifies that there will be no adverse air quality impacts, EPA supports the implementation of stringent dust control and construction equipment emission control measures during construction in order to reduce temporary impacts to air quality. Our few concerns, as described below, focus on potential water quality impacts from storm water runoff.

#### **Storm Water Runoff**

As suggested in the DEIS, short term and long-term water quality impacts could occur as a result of storm water runoff from temporary bridge deconstruction, and permanent rockshed/tunnel construction and maintenance. The portion of the Merced River within the project area has been designated a Wild and Scenic River and, as such, it is important that storm water runoff from construction, deconstruction, and maintenance activities be reduced to the greatest extent

possible. EPA is supportive of the many best management practices (BMPs) described in the DEIS and we recommend that the Final EIS (FEIS) and Record of Decision (ROD) provide commitments for these and the following additional mitigation measures to ensure water quality impacts from construction and maintenance are avoided and/or minimized:

- Employ periodic, unscheduled inspections during construction and maintenance to ensure the all BMPs are being implemented effectively.
- Use suspended tarps, booms and vacuums to capture paint, solvents, rust, paint chips and other pollutants potentially generated by bridge deconstruction.

EPA commends Caltrans on their extensive stakeholder involvement during preparation of the DEIS, including conducting a survey to gather input from recreational users of the river. EPA recommends Caltrans continues close coordination with the Department of Fish and Game with regard to impacts to the limestone salamander. EPA further recommends that coordination between government agencies, community associations, recreational groups, and other individuals continue through the remainder of the project planning process.

We appreciate the opportunity to review this DEIS. When the FEIS is released, please send one hard copy and one disc to the address above (Mail Code CED-2). If you have any questions, please contact Zac Appleton, the lead reviewer for this project. Zac can be reached at 415-972-3321 or [appleton.zac@epa.gov](mailto:appleton.zac@epa.gov).

Sincerely,



Connell Dunning, Transportation Team Supervisor  
Environmental Review Office  
Communities and Ecosystems Division

Enclosed: Summary of EPA Rating Definitions

CC via email:

Margaret Lawrence, California Department of Transportation  
Leah Fisher, Army Corps of Engineers  
Laura Peterson-Diaz, California Department of Fish and Game  
Terri Drivas, United States Forest Service  
Sean McCabe, National Park Service

## **SUMMARY OF EPA RATING DEFINITIONS\***

This rating system was developed as a means to summarize the U.S. Environmental Protection Agency's (EPA) level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the Environmental Impact Statement (EIS).

### **ENVIRONMENTAL IMPACT OF THE ACTION**

#### ***"LO" (Lack of Objections)***

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

#### ***"EC" (Environmental Concerns)***

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

#### ***"EO" (Environmental Objections)***

The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

#### ***"EU" (Environmentally Unsatisfactory)***

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

### **ADEQUACY OF THE IMPACT STATEMENT**

#### ***Category "1" (Adequate)***

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

#### ***Category "2" (Insufficient Information)***

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

#### ***Category "3" (Inadequate)***

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

\*From EPA Manual 1640, Policy and Procedures for the Review of Federal Actions Impacting the Environment.

